IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2738 OF 2007

Shri Vasant Purushottam Joshi ..Petitioner.
Vs.
Shri Dattatray Purushottam Joshi & Ors...Respondents.

Mr.Abhay L. Patki, adv. for the Petitioner.
Mr.Nitin Mulye, adv. for the Respondent Nos.1 to 3.

CORAM : J.H.BHATIA, J.
DATE : SEPTEMBER 29, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. Mr.Mulye the learned counsel for the respondent nos.1 to 3 makes a statement that the respondents, who are original defendants will not press the application for stay to the Special Civil Suit No.66 of 2005 and the trial Court may proceed with the trial of the suit and pass appropriate preliminary decree. With consent of the parties, petition is allowed and the impugned order staying the proceeding in Special Civil Suit No.66 of 2005 is hereby set aside. The trial Court shall proceed with the trial and pass preliminary decree in the partition suit as per law. The application filed by the petitioner, who is the original plaintiff, for appointment of receiver of the said property shall be decided on its own merits.

3. Petition stands disposed off.

[J.H.BHATIA, J.]